

Minutes
Beaches and Shores Advisory Committee
Thursday, December 4, 2014, 9:00 a.m.
Charlotte County Building Construction Services conference Room
18400 Murdock Circle, Port Charlotte, FL 33948

****Please note that one or more Charlotte County Commissioners may be in attendance at any meeting of the Beaches and Shores Advisory Committee****

Members Present

Clifford Kewley, District 5, Chairman
Jack Landis, Member-at-Large, Vice Chairman
Tommy Brock, District 3
Robert Pierce, FL Shore & Beach Preservation Assoc.
Dick Whitney, District 1
Katherine Ariens, District 2

Members Excused

Rich Parchen, District 4

Staff Present

Commissioner William Truex, District 3
Lynette Auger, Parks and Natural Resources, Charlotte County
Chad Lach, Florida State Parks
Matt Logan, Charlotte County Engineering Division
Gayle Moore, Recording Secretary

Guests Present

Michael Poff, Coastal Engineering Consultants
Steve Reilly, Sun Herald

Call to Order

Chairman Clif Kewley called the meeting to order at 9:01 a.m. and led the group in the Pledge of Allegiance. The Recording Secretary took the roll and it was determined that a quorum was present.

On motion made by Mr. Landis, seconded by Mr. Whitney and carried unanimously, the Minutes from November 6, 2014 were approved as received.

Chairman Kewley next acknowledged Jack Landis's long service to the committee during his term.

Citizens Comments

None were offered.

Commissioner Comments

Commissioner Truex indicated he had nothing specific to raise and he expressed his pleasure in being able to join the Committee today; he also mentioned presenting to the legislative delegation today and one of the priorities is to remind them of the County's request for funding with regard to Stump Pass.

Mr. Lach asked about the newspaper article indicating that the super boat races will not be happening next spring, and asked for the Commissioner's comments; Commissioner Truex said the County had dissolved its relationship with the prior promoter. He noted that the potential for a boat race still exists, under new sponsorship led by the Chamber, which is aiming for November instead of the spring; there wouldn't be an event during nesting season. Commissioner Truex said that area businesses seem happy with this option, and Mr. Lach agreed that it would be to everyone's benefit to have it changed.

New Business

Chair Kewley next moved to new business, beginning with the subject of shoaling in Stump Pass; he turned to Mr. Poff for an update on studies which had been approved on the situation.

Mr. Poff indicated that the County purchase order for the bathymetric survey had been received just before the holiday; results will be forthcoming shortly, which he said he would provide to the group once available. As has been reported, the marked channel has shoaled-in, as is its historic pattern; it has swung to the south and there is currently an available channel there. ; New buoys have been ordered, and will be installed in due course to get the deepest water marked for the boating community. These buoys may need to be moved a number of times between now and the work scheduled for next year.

Mr. Poff made further comments regarding these historic conditions which affect primarily the deeper draft vessels, and he also mentioned the value of knowledgeable boaters in the area. Ms. Ariens asked how citizens are advised about the conditions and the work being done; she asked if it was published in the newspaper or something similar. Mr. Poff noted that he worked with Mr. Reilly's assistance to make the information available to the newspaper; he thought that the County website should mention buoy relocation also. Other possibilities were reviewed, such as a notice to mariners published by the Coast Guard. Ms. Ariens noted that some people don't read newspapers and may not visit the website, and suggested that there must be some other way to do it.

Mr. Whitney raised an issue regarding two posts west of the entrance to the Pass, asking what their purpose is. He notes that they can cause problems for people coming into the Pass for the first time. Mr. Poff said these posts do need to be removed, but that the local contractor does not have the capacity to pull them. Mr. Whitney expressed the concern that the channel buoys get lost in the swell and disappear from view, and questioned their size; Mr. Poff noted that they were standard Coast Guard size. The alternative, he said, would be pilings and dayboards, but the buoys are much more "user friendly."

Further discussion ensued on the visibility of channel markers and the hazard the two posts represent to navigation, and what would be required to remove them; Mr. Poff explained the level of equipment that would be needed and he noted that is not the type of contractor the County would have on annual contract. He emphasized the point that these weren't forgotten about and all the proper markings were done; how best to convey the information to the public is another question. Ms. Ariens indicated this was another source of miscommunication with the boating community that needed to be improved. Ms. Auger commented on the cost to address the issue, based on recent work done to remove pilings as part of a blueways project, as a point of information; she estimated the cost would be about \$13,000 to pull one piling. Mr. Lach noted that about four years ago, this Committee made a motion to make this a 'local knowledge channel' and it is not marked on the charts; the latest Coast Guard chart indicates "local knowledge".

Mr. Ken Stead, incoming president Englewood Chamber of Commerce, offered his opinion that the local knowledge designation doesn't help transient boaters. To Mr. Poff, he asked – based

on the survey done – what did he anticipate being the depth of the remarked channel at low tide; Mr. Poff indicated he didn't have the information yet, but will supply it when available. Mr. Lach commented that the County could send something to Coast Guard to create a Notice to Mariners; the fact is that a channel marked tomorrow will change next week, and so on, because it's a dynamic system.

Chair Kewley next raised the subject of Betty Staugler's material on anchoring and the survey link provided; comments were offered on the usefulness of the information provided and the opportunity to give feedback. Chair Kewley then opened the floor to comments about the material or the survey. Mr. Landis noted that most will have completed the survey, but he wanted to point out that BoatUS is sending out the same survey, but they have a different position than we do: Their definition of navigation is anything that doesn't stay over 30 days.

Chair Kewley commented that we need a regulatory outreach to come up with a balanced plan to encourage boating in Florida while setting limits on derelict boats and creating a method by which consistent enforcement can occur. Personally, said Chair Kewley, he was pushing for the establishment of mooring fields, especially after visiting other communities who have done this successfully, working with local businesses. He noted there had been some disappointment with the success of the Punta Gorda mooring field, but acknowledged it had huge potential to be a success.

Mr. Whitney asked how many members looked at the "Six Concepts" and noting that they are looking for feedback, he wondered whether there was still time available to respond; he said he believes the committee should contribute comments, especially with regard to set-backs or the "degree of need" before a local government can regulate a mooring field. He also mentioned the interactive online map program to assist the public in understanding where and what type of anchoring restrictions are in place.

Mr. Landis suggested that the Committee should weigh in again, identified as a Committee (assuming survey responses are anonymous) to give their feedback proper weight. Further discussion ensued on whether to generate a letter or take some other option; eventually it was suggested that a more formal response properly should go through the Commission, and Commissioner Truex concurred that it should. Further discussion ensued concerning available enforcement options, and emphasized keeping these matters within local control. Mr. Whitney agreed to keep abreast of this subject.

Chair Kewley offered further comments about mooring and the need for buy-in from all interested parties, particularly businesses; he asked Guest Ken Stead whether there is a general consensus in the Englewood community about mooring fields? Mr. Stead responded that there has been general discussion and the Englewood Chamber is hopeful there could be a "Waterfront Florida: program; although there is no longer state funding available for such a program, it was thought that there would be sufficient local support. It would be a collaborative effort at planning for the future of the waterfront and should get started next year.

Ms. Ariens raised the information Ms. Staugler had mentioned regarding a convention where she gets updates on state recommendations, and asked if the Committee should make a motion for a BSAC member to go to this event. Chair Kewley agreed it was a good suggestion and that it would be best if a knowledgeable person were to go; he wondered if there would be any possibility of County funding to assist in sending someone. Ms. Ariens noted the group could try it once to see if it is beneficial; if not, it wouldn't be necessary to go twice.

Ms. Ariens motioned to send a BSAC member to the annual meeting Ms. Staugler had described; Mr. Landis seconded the motion for further discussion which then ensued. The

Committee Recording Secretary read the prior meeting's minutes where the subject meeting was discussed. There was discussion about whether County would support the idea with funding for one person to attend or whether alternative ideas were available to raise funds. Ms. Auger noted that because the County pays for staff to go to such events, and then come back and report, that's why there are usually no County funds for committee members to go. It was noted that committee members may decide to go personally.

Chair Kewley called the Motion which was unanimously supported by the members. Mr. Landis asked Commissioner Truex whether our lobbyist could work on this for us; the Commissioner responded that would be at the will of the Board.

Old Business

Chair Kewley asked Mr. Poff for update on the Stump Pass "saga", and Mr. Poff reported that he had excellent news: Thanks to all participants from Commissioners to Committee member and staff, there an invitation for the new cost sharing agreement which the state had now set at \$300,000 (rather than the requested \$100,000) which will come before Board on their Consent Agenda next week. This just requires the County to agree to continue doing what you have been doing; the funding is reimbursement for the last three years of monitoring and consulting fees.

In other news, Mr. Poff noted that the project assessment scoring was returned to us, based on the new project. The message from us needs to be "thank you" and to ask the state to fund to \$47 million (they have been allocating \$30 million, based on study done in 2002.) Mr. Poff had further comments on how the state is being approached with this request, and provided extensive details of the process, our ranking, and the federal appeal of the FEMA application decision; discussion ensued on the process and the funding. As part of the discussion of funding, Commissioner Truex commented that the lack of FEMA funding would not keep the County from doing the project, but the question arises about the future issues which may be much more costly and which would need funding. It was emphasized that the money expected to be received would be reimbursement for funds already expended for monitoring, and will replenish that pool of funds.

On the permit, Mr. Poff indicated the DEP letter is expected next week; open questions have been addressed and one item which will require a little extra work concerns the corridor from the offshore bar areas to the beach will be crossing about six miles of open gulf which includes substantial hard bottom areas. Regardless of their condition, they are considered protected resource so they are searching for a path through this area, but there is none "as the crow flies" so they are looking for alternatives. One would be floating the pipe over this area during the construction, but this is a very expensive option compared to finding a meandering path. This is the major issue still left on the table. Further discussion ensued on various details regarding the project; Mr. Poff also discussed the outcome of winning the FEMA appeal, when the County will have to file for an "improved project".

Mr. Brock noted that at the last meeting he believed Mr. Poff had said the project was aiming for 3 ft. depth at low tide, and asked for further comments. Mr. Poff responded that the design vessel draft is 3ft. which represents about 90% of the boating out of Stump Pass; then there is a low-tide buffer and under-keel clearance. Therefore, ideally, there would be about 4 ft. at low tide. Further discussion ensued on the boaters who have 4 and 5 ft. boats about the current shoaling and the possibility of a maintenance dredge between now and when the project work commences in November 2015. Mr. Poff noted this hasn't been discussed yet, and he has no idea about available funding or how such an interim project would affect the work planned for November; he noted that while the answer isn't 'no', the permit to do such work isn't in hand anyway.

Chair Kewley thanked Matt Logan for the project report and noted that it will be circulated to all members after the meeting.

The Chair then turned to the ongoing discussion of a future mooring field and current enforcement at Chadwick Cove, asking Ms. Auger if she had any updates to report. Ms. Auger noted that the effort was ongoing and that a couple of boats south of the Cove are in process of getting moved due to the work of Roger De Bruler. She indicated that the Sheriff is on the scene, as well as FWC personnel; there is also still a community there resisting change. Further discussion ensued regarding progress being made in this area.

Chair Kewley mentioned that the Committee had sent a letter to the County Commission after the last meeting regarding these issues, and Commissioner Truex indicated he was aware of that.

Mr. Whitney directed a question to Ms. Auger regarding the proposed removal of inappropriate anchor buoys noting that it still looks like a minefield out there. Ms. Auger indicated that this needs to be joint operation, noting that it's an FWC issue because it is state land; they are dealing with individual boaters on the issue. Mr. Whitney and Mr. Pierce both noted they are referring to abandoned devices; Mr. Brock asked sought to confirm the location being referenced, noting that some restaurant had put in some buoys to keep people off the sea grass. Further discussion ensued, seeking to define which kinds of buoys were causing the difficulty. Mr. Landis asked about the initiative to use the side scanning sonar, and Ms. Auger indicated some was done, but that the data isn't available yet.

Mr. Brock said he has seen a substantial improvement in recent years in Chadwick Cove; survey was good also, and if all those points were fixed, he thought that a mooring field might not actually be necessary. Only anchors dragging in the sea beds would be an issue. A lengthy discussion ensued on the need to get a state submerged lands lease and the necessary permissions and permits to work on state submerged lands. Mr. Poff offered some additional thoughts on the County working through the FWC to put in sea grass buoys and channel markers, all separate and distinct from a managed mooring field; municipalities going forward with a managed mooring field application would usually incorporate these things on the mooring field application.

Mr. Brock raised a question about channel marking, and suggested a motion go forward to pursue putting channel markers in Chadwick Cove prior to the mooring field being decided, which Ms. Ariens seconded. Mr. Whitney questions whether this really should be a matter for the Marine Advisory Committee to tackle. Ms. Auger reminded the group that there is a joint meeting coming up in where this could be discussed. Commissioner Truex indicated he agreed that it should be on the agenda for the joint workshop as an item to discuss, and that MAC should be the lead on this question. After further discussion, Mr. Brock withdrew his motion, asking that it be placed on the workshop agenda.

Citizen comments

None offered

Staff Comments

Ms. Auger reported on the recent turtle and shorebird count numbers; turtles were good but shorebirds were down this year; she noted that this reflected current problems with coyotes and dogs, and Committee members also mentioned raccoons and armadillos. Further discussion was held on issues associated with trapping, both before and after season. Mr. Brock asked whether members have seen an increase in these animals lately, and Ms. Auger noted that counts on different species indicate more coyotes now. Mr. Brock suggested the

animals are learning to look for the ribbons marking the nests; Mr. Lach confirmed that raccoons dig at cages, not at nests, when staff separates the two. Extensive discussion continued on these topics.

The Recording Secretary asked the group to confirm their intentions for the February and May meetings. It was determined that in February, the group would convene for the Joint Workshop only, and that there was strong interest in a May field trip again this year. Mr. Lach suggested a boat outing to Chadwick Cove; Ms. Auger offered some considerations about off-site meetings, with regard to Sunshine Law and the need to provide for the public, including the handicapped, to attend. Commissioner Truex agreed that Sunshine Law makes it more difficult to meet off-site. Further comments were offered on the increase in coyotes and options for dealing with them.

Discussion then returned to the subject of field trip arrangements, and the possible difficulties of meeting Sunshine Law requirements and accommodating an unknown number of the public that might also want to participate. Mr. Lach suggested the matter be tabled for now and he would investigate whether a boat could be obtained for such a field trip; it was agreed the matter would be discussed at the next meeting.

Member Comments

Mr. Landis commented briefly on his time with the Committee and how much he had enjoyed the experience.

Ms. Ariens complimented the staff members on the reports they bring to the Committee.

Adjournment

Motion to adjourn was offered by Mr. Pierce, seconded by Mr. Whitney; the meeting adjourned at 10:38 a.m.

Respectfully submitted,

Gayle Moore
Recording Secretary

Minutes Approved by

Clifford Kewley, Chairman
Beaches & Shores Advisory Committee